

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re: **Rodney Clinton Brinser, II**
Stacey Lee Harris-Brinser

Case No. **10-71505 RLE**

FIRST AMENDED CHAPTER 13 PLAN

Debtor(s).

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee, and the debtor(s) will pay to the Trustee the sum of **3,500.00** each month for **60** months.
Debtor(s) elect a voluntary wage order. _____.
2. From the payments received, the Trustee will make disbursements in accordance with the Distribution Guidelines as follows:
 - (a) On allowed claims for expenses of administration required by 11 USC §507.
 - (b) On allowed secured claims, which shall be treated and valued as follows:

§506	Non §506	Name	Value of Collateral	Claim Amount	Pre-confirmation Adequate Protection	Post confirmation Payments	Estimated Mortgage Arrears	Interest Rate (If Specified)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ally/GMAC (2008 Chevy Silverado)	23,500.00	28,683.72	500.00			8.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ally/GMAC (2008 Chevy Tahoe)	32,790.00	37,540.17	500.00			8.00

With respect to secured claims per §506, valuation stated shall bind unless a timely objection to confirmation is filed. With respect to non §506 secured claims as referenced in §1325, the claim, to the extent allowed, shall control. If an interest rate is not specified, 5/6% per month (10% per annum) will be paid. A secured creditor shall retain its lien until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under section §1328.

- (c) On allowed priority unsecured claims in the order prescribed by 11 USC § 507. Priority claims shall be paid in full except to the extent allowed otherwise under 11 U.S.C. § 1322(a)(4).
- (d) On allowed general unsecured claims the debtor(s) estimate(s) the general unsecured claims will be paid **Pro Tanto** %.
3. The following executory contracts are rejected. The debtor(s) waive the protections of the automatic stay provided in 11 U.S.C. § 362 to enable the affected creditor to obtain possession and dispose of its collateral without further order of the court. Any allowed unsecured claim for damages resulting from rejection will be paid under paragraph 2(d).
-NONE-
4. The debtor(s) will pay directly the following fully secured creditors and lessors:

Name	Monthly Payment
PNC Mortgage	4,180.00
PNC Mortgage (Second Mortgage)	N/A
5. The date this case was confirmed will be the effective date of the plan.
6. The debtor(s) elect to have property of the estate vest in the debtor(s) upon plan confirmation. Once the property vests, the debtor(s) may sell or refinance real or personal property without further order of the court, upon approval of the Chapter 13 Trustee.
7. The debtor(s) further propose pursuant to 11 USC § 1322(b): (1) The debtors intend to obtain a court order voiding the second deed of trust of PNC Mortgage, and discharging it as an unsecured claim upon completion of the plan (2) If a secured creditor obtains relief from stay, and has not filed an amended proof of claim, the trustee shall cease further payments to that creditor upon the entry of the order terminating the stay. (3) The debtors intend to surrender the real property located at 150-152 N. Broadway Avenue, Bay Point, CA 94565 to Chase Home Finance.

Dated: January 6, 2011

/s/ Rodney Clinton Brinser, II

(Debtor)

/s/ Stacey Lee Harris-Brinser

(Debtor)

I/We Patrick L. Forte 80050 am/are legal counsel for the above named debtor(s) and hereby certify that the foregoing Chapter 13 Plan is a verbatim replica of this N.D. Cal., Oakland Division Model Chapter 13 Plan (October 2005), promulgated pursuant to B.L.R. 1007-1.

/s/ Patrick L. Forte

Attorney for Debtor(s)